UN

UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1995/NGO/6
31 January 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-first session
Item 10 (a) of the provisional agenda

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Written statement submitted by Human Rights Watch, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[31 January 1995]

Military aid to Governments practising torture

1. Documenting torture and abuse is a key component of Human Rights Watch's work worldwide. We hereby call on the United Nations Commission on Human Rights to highlight a particularly important and often overlooked aspect of torture and abuse. Some of the Governments that are denouncing torture before this body, including the United States, are at the same time providing extensive international assistance to the authorities which consistently engage in the practice. International support for regimes that torture has often been critical to their very survival. One wonders how long the Government of Myanmar, for example, could continue to survive without extensive economic assistance and military supplies from the Government of China. The Government of France has given abusive regimes in Francophone Africa a helping hand, and enormous American aid to allies of the United States in the Middle East, Europe and Latin America has strengthened the rule of those who torture and abuse. Sometimes, those receiving assistance are not Governments, but armed groups which seek to depose Governments and in the process engage extensively in the torture of both civilians and captured combatants.

2. In this submission, Human Rights Watch wishes in particular to highlight the issue of torture in three countries receiving extensive assistance from the United States. We will also describe the nature of American and European support for abusive Governments in an effort to encourage both the abusive Governments and the Governments which support them to end torture and abuse.

Turkey

3. Torture is a violation of international and Turkish law which has continued despite regular changes of Government and, in some cases, promises by the authorities to end such practices. The year 1994 was no exception to the trend: torture - including electric shock and beatings - and suspicious death in pre-trial detention were frequent. According to the Turkish Human Rights Foundation, 14 people died under suspicious circumstances in pre-trial detention in the first eight months of 1994, and 387 were tortured in the first seven months of the year, including 117 females and 16 children.

4. Women detainees are frequently subjected to invasive, brutal and involuntary gynaecological examinations. While authorities defend the practice as a means of countering claims of rape, in fact the examination is a form of torture and no protection whatsoever from rape, which occurs frequently. (The Turkish Human Rights Foundation reported 12 rapes in detention last year - a figure which likely underestimates the actual occurrence considerably, given the stigma attached to rape and rape victims.)

5. The United States is an important defender of the Government of Turkey, which is the third largest recipient of its foreign aid. The United States accounts for approximately 77 per cent of arms deliveries to Turkey, with Germany providing approximately 17 per cent. Over the past decade, the United States Congress has appropriated $5.1 billion in military aid for Turkey, with $364.5 million provided this year alone.

6. The United States Government has been increasingly frank about its concerns over Turkey's deteriorating human rights record, but the unrestrained flow of weapons, training and equipment to the Turkish armed forces sends another message.

7. Though torture in Turkey is common - Turkish human rights groups estimate that 90 per cent of political detainees are tortured - ending the abuse is clearly within the reach of the Turkish authorities, should they summon the political will to do so. Turkey needs to permit international humanitarian organizations (such as the International Committee of the Red Cross) to have access to all security detainees; to eliminate the use of incommunicado detention and permit detainees immediate access to lawyers, family members or human rights monitors; and to prosecute every individual who tortures - and his supervisor - in the Turkish courts. The authorities' refusal to take such steps - and the failure of the United States Government to insist that such steps be taken before further aid is provided - ensures that torture continues as a way of life and death in Turkey.

Egypt

8. Egypt is the second largest recipient of United States foreign aid. Torture and abuse are distressingly common, and Egypt's poor human rights record deteriorated further in 1994. The continuing practice of incommunicado detention provides the Egyptian security forces with a virtual blank check to torture suspects with impunity to extract confessions and information. Prosecutors have systematically failed to investigate vigorously the allegations of torture and to bring charges against the security officers responsible. Particularly vulnerable to torture in Egypt are Islamist security suspects and defence attorneys. Lawyer Abdl Harith Madani died in detention following his arrest by security forces in April 1994. Government officials claimed that the 30-year-old Madani died from an asthma attack, although family members and close friends told Human Rights Watch/Middle East that the young lawyer had been in excellent health.

9. Another defence attorney, Ibrahim Nasr, has been detained since September 1994. When he was seen by lawyers who attended his session with the prosecutor on 1 October, there were obvious blindfold marks on his face and he looked weak. Nasr informed the prosecutor that he had been tortured.

10. Ending torture in Egypt requires the Government to end the practice of incommunicado detention, provide lawyers with immediate access to their clients, and prosecute and punish those responsible for torture and abuse. The United States is well placed to press the Egyptian authorities, as it provides extensive support for the Government. The Mubarak Government receives $1.3 billion yearly in American military assistance, and an additional $814 million in budgetary support. But the United States has never linked its aid programme to human rights improvements, and squandered enormous leverage that might have been used to encourage the reforms.

Colombia

11. The United States is also implicated in the abuses in Colombia, where torture remains a daily reality for detainees throughout the country. A study carried out by three human rights groups in the city of Barrancabermeja found that of the 183 individuals detained by State security forces between January 1993 and June 1994, 170 were tortured. Both physical torture - beatings, electric shocks and near-drowning - and psychological torture - death threats, mock executions, sleep deprivation and threats against family members - were employed. Despite the frequency of torture, most cases reported to the authorities went unpunished.

12. Colombia is the beneficiary of considerable United States assistance. Due to American involvement in the "drug war", the Colombian police were the beneficiary of the largest assistance provided in the Western Hemisphere. Some $18.2 million was provided in 1994, with a similar amount requested for 1995. In addition to generous security assistance, Colombia made $57 million worth of United States governmental and commercial arms purchases in 1993, more than any other country in Latin America; in 1994, sales to Colombia were expected to top $73 million. The United States continued to make or approve arms sales to Colombia despite human rights conditions that should have been applied.

13. Over the past several years, the United States Congress has placed some human rights restraints on United States aid to Colombia. At Congress's insistence, for example, the United States executive branch used the leverage of foreign aid to encourage the Colombian authorities to permit access to the International Committee of the Red Cross to places of detention. But for the most part, aid to abusive forces in Colombia has flowed freely, thus implicating the United States in the abuses committed by the recipients.

Arms suppliers

14. The United States is by no means the only developed country to provide extensive military aid to Governments engaged in gross abuses of human rights. For example, Angola, Africa's number one arms buyer, purchased some $3.5 billion worth of weapons in 1993 and 1994 from the Russian Federation, Brazil, Ukraine, Bulgaria, Uzbekistan, the People's Democratic Republic of Korea, Portugal and Spain. Moreover, UNITA, the anti-Government insurgents who were long supplied by the United States and South Africa, have now turned to regional arms suppliers with Zaire becoming the most important source of support for UNITA. Both government forces and UNITA engage in torture and summary executions.

15. Elsewhere in Africa, repressive regimes are supported and nourished by their former colonial patrons in Europe. Meanwhile, Russia is a key supplier of weapons, technical assistance and economic aid to hard line and repressive regimes in the former Soviet Union, including Uzbekistan and Tajikistan.

16. Human Rights Watch strongly believes it is not enough for Governments to denounce the appalling practice of torture. The international community must unite to end torture everywhere by stigmatizing the regimes which engage in it, and depriving them of international assistance and support. Failure to do so helps sustain the evil crime of torture and abuse of helpless men, women and children.